

Application No. 10/798,531Client Reference No. N0185US**REMARKS****I. Status**

Claim 1 has been amended. No new matter has been added as a result. Accordingly, claims 1-32 are currently pending.

**II. Rejection Under 35 U.S.C. § 101**

Claims 29-32 were rejected as being directed to non-statutory subject matter. The Examiner asserts that claim 29 does not recite a tie to a particular machine or does not act upon a physical object as to provide a transformation of that object into a different state or thing. (Office Action, page 2).

Applicants respectfully disagree with the Examiner's assertions. Claim 29 recites, *inter alia*, "using the application programming interface to access the geographic data from a map database," "using the application programming interface to provide the geographic data from the map database in a suitable format to the game engine program," and "presenting a game scenario on a user interface of a computer platform to a user." Accordingly, claim 29 acts upon data and transforms or uses that data to provide a different state by accessing geographic data and providing the data in a suitable format to present a game scenario on a user interface. Presenting a game scenario on a user interface of a computer platform to a user is a tangible end result. In the Advisory Opinion, the Examiner asserts that there is no recitation of any specific machine or apparatus. However, the recitation of a user interface of a computer platform used to present a game scenario to a user is a specific tie to a particular machine. Also, MPEP § 2106(C)(2)(b) states that a claim does not need to be tied to a particular machine if the claim recites a process that sets forth a real-world result. Claim 29 clearly sets forth a tangible real-world result by reciting the positive act of presenting a game scenario on a user interface to a user.

Accordingly, claim 29 and dependent claims 30-32 are not directed to non-statutory subject matter. Applicants respectfully request that the section 101 rejection of claim 29 and dependent claims 30-32 be withdrawn.

Application No. 10/798,531Client Reference No. N0185US**III. Rejections Under 35 U.S.C. § 103**

Claims 1 and 28 were rejected under 35 U.S.C. §103(a) as being unpatentable over Ashby, et al. (U.S. 6,047,280).<sup>1</sup> Claims 2-9 were rejected under 35 U.S.C. §103(a) as being unpatentable over Ashby, et al. in view of Koller, et al. (Virtual GIS: A Real-Time 3D Geographic Information System). Claims 10-13 were rejected under 35 U.S.C. §103(a) as being unpatentable over Ashby, et al. in view of Koller, et al. and further in view of Radcliffe, et al. (Official Strategies and Secrets: Microsoft Flight Simulator 2004, A Century of Flight). Claims 14-27 were rejected under 35 U.S.C. §103(a) as being unpatentable over Koller, et al. in view of Radcliffe, et al. Claims 29-32 were rejected under 35 U.S.C. §103(a) as being unpatentable over Ashby, et al. in view of Radcliffe, et al.

**Claim 1 and Dependents**

Claim 1 recites, *inter alia*, "a game engine program configured for running on a computer platform and for presenting a computer game to a user via the user interface," "an application programming interface program configured for running on the computer platform, for accepting requests for data from the game engine program, for accessing the data from the map database, and for providing the data in a suitable format to the game engine program," and "wherein a computer game play scenario based on the data is displayed on the user interface, wherein the computer game play scenario corresponds to a virtual position for display on the user interface in which the virtual position is independent of the user's actual physical location."

Ashby, et al. disclose a method and system that provides for a data access interface layer in a navigation system. (Ashby, et al., Abstract). A navigation software application program includes separate applications including route calculation functions, maneuver generation functions, and map display functions. (Ashby, et al., column 5, lines 1-7). The various navigation applications of the navigation application software access and read portions of geographic data. (Ashby, et al., column 5, lines 32-34). A data access interface layer is located

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between the various navigation applications and the geographic dataset. (Ashby, et al., column 5, lines 36-39).

The Examiner admits that Ashby, et al. does not explicitly state a game engine program configured for running on a computer platform and for presenting a computer game to a user via a user interface. (Office Action, page 3). However, the Examiner asserts that the navigation application program of Ashby, et al. is analogous to a game engine program because both present information to a user. (Office Action, page 3).

Applicants respectfully disagree with the Examiner's assertions. A game engine program includes logic, rules, data structure, software, and/or other information specifically for operating and executing different functions of computer games and various play scenarios thereof. The navigation application program of Ashby, et al. may not include logic, rules, and other game software structures of a game engine program. The navigation program of Ashby, et al. is used to provide route calculation and map display, but that is not the same as providing various computer game scenarios that include action of computer game characters and scenes that are controlled by user input and game logic. In a game setting, actions have certain consequences based on the game rules and data structure in the game engine program, and the game engine program executes various functions and controls data to abide by the game rules and associated structure. For example, data structure, functions, and/or rules related to a computer game character, such as actions of the computer game character in relation to different game logic or input may not be included in the navigation application program of Ashby, et al.

In the Advisory Opinion, the Examiner asserts that the recitation of the game engine program is an intended use and that there is no structural difference between a game engine program and the navigation application program of Ashby, et al. However, this is not a case of intended use. The claim is positively reciting a claim feature of a system claim (the game engine program) which is not disclosed in the cited reference. As mentioned above, the game engine program is different than what is disclosed in Ashby, et al.

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<sup>1</sup> U.S. Pat. No. 6,047,280 is assigned to the assignee of the present application. To the extent permissible by law, any remarks in this response about the '280 patent should not be construed as limiting or narrowing the scope of the claims thereof.

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Also, the game engine program may be configured to request data in a different format than the navigation application program of Ashby, et al. For example, the navigation application program requests a particular entity or group of entities, such as nodes and/or road segment data. (Ashby, et al., column 9, lines 34-39). However, a general game engine program may request multilayered image data representing a gaming environment rather than node and road segment geographic data.

A game engine program configured for presenting a computer game scenario to a user via a user interface is different (both in logic/software structure and functionality) than the navigation application program of Ashby, et al.

Furthermore, there is no teaching or suggestion of displaying a computer game play scenario on a user interface in which the computer game play scenario corresponds to a virtual position that is independent to the user's actual position. Ashby, et al. disclose a navigation software application program that includes separate applications including route calculation functions, maneuver generation functions, and map display functions. Such functions correspond to providing real-world navigation related to the user's actual location. There is no teaching or suggestion of a displayed computer game play scenario corresponding to a virtual position independent of the user's location. Accordingly, access of data from the database based on virtual position of a game play scenario is not taught or suggested.

Accordingly, claim 1 is not obvious in light of Ashby, et al. and is allowable for at least these reasons. Claims 2-13 and 28 depend, directly or indirectly, from allowable claim 1 and, therefore, are allowable for at least the same reasons.

#### Claim 14 and Dependents

Claim 14 recites, *inter alia*, "using the application programming interface program to access the geographic data from a map database, the geographic data derived from a database suitable for vehicle navigation on roads in a real-world geographic locale." The combination of Koller, et al. and Radcliffe, et al. does not teach or suggest at least these features.

Koller, et al. disclose a virtual GIS system that provides means for visualizing terrain models consisting of elevation and imagery data, along with GIS raster

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layers, protruding features, buildings, vehicles, and other objects. (Koller, et al., page 94, Abstract). Each dataset used with virtual GIS may contain several types of information such as terrain surfaces that are visualized as a mesh of shaded or textured polygons. (Koller, et al., page 95, first paragraph under 2.2 *Datasets*). Additional non-protruding features may be overlaid on the surface, such as graphical representations of roads and waterways. (Koller, et al., page 95, first paragraph under 2.2 *Datasets*). For example, phototexture aerial photo imagery may be overlaid, and GIS raster layer data corresponding to the terrain area may also be included in a dataset. (Koller, et al., page 95, second paragraph under 2.2 *Datasets*).

Radcliffe, et al. disclose a strategy and information guide regarding Microsoft simulator 2004. Within flight setup, one may choose a navigation type, either visual (VFR) or instrument (IFR), and different courses may be chosen. (Radcliffe, et al., page 112).

However, neither Koller, et al. nor Radcliffe, et al. disclose geographic data derived from a database suitable for vehicle navigation on roads in a real-world geographic locale. Koller, et al. disclose datasets of graphical representations of roads or phototexture aerial photo imagery and visual gaming features, but they are not the same as data derived from a database that is used for navigation of a vehicle on real roads. Also, Radcliffe, et al. does not disclose vehicle navigation on roads.

The Examiner points to page 96, paragraph 2 of Koller, et al. that recites "[m]ovement about the environment can be constrained in a number of ways" and that "[a] viewpoint to an animated vehicle, for example, allows the user to ride the vehicle through the terrain on its pre-assigned route." (Office Action, page 9). However, the movement and view point referred to in Koller, et al. relate to data representations of vehicles and data representations of roads, not a vehicle on a real, physical road. Therefore, the data of Koller, et al. may allow an end user to move about in a simulation, but that is not the same as data suitable for providing navigation for a vehicle on a real road, such as data used in a vehicle navigation device. In the Advisory Opinion, the Examiner asserts intended use, but the claim positively recites data content (geographic data derived from a database suitable for vehicle navigation on roads in a real-world geographic locale) that is not disclosed in the references used for the rejection.

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Accordingly, claim 14 is allowable for at least these reasons. Claims 15-27 depend, directly or indirectly, from allowable claim 14 and, therefore, are allowable for at least the same reasons.

Claim 29 and Dependents

Claim 29 recites, inter alia, "using an application programming interface that runs on the computer platform to accept requests for geographic data from a game engine program," "using the application programming interface to access the geographic data from a map database, the geographic data including a plurality of road segment records that represent portions of roads in a real-world geographic locale, wherein each of the road segment records corresponds to navigation-related attribute data that support vehicle navigation-related functions for real-world navigation on the roads in the real-world geographic locale, the navigation-related attribute data including (i) geographic coordinates, (ii) a street name, (iii) an address range, (iv) a turn restriction, and (v) road shape," and "presenting a game scenario on a user interface of a computer platform to a user."

The Examiner asserts that it would have been obvious to combine the teachings of Ashby, et al. with Radcliffe, et al. to teach all the recited features. (Office Action, page 14). However, even if one of ordinary skill in the art would have combined the references, the combination does not teach or suggest all the features. For example, if Radcliffe, et al. would use the data of Ashby, et al., such as the road segment data records, the flight simulator developers of Radcliffe, et al. would build on top of the road segment and other data records of Ashby, et al. to produce finalized multilayered image data that can be displayed during flight simulation. However, that is not the same as a method of operating a computer game in which a game engine program requests geographic data and as a result data representing road segment records are accessed. There is no teaching or suggestion of requesting road segment data records, as recited, for presenting a game scenario on a user interface.

Furthermore, if Radcliffe, et al. were modified to request and access road segment records for presenting a game scenario during game operation, Radcliffe, et al. would be changed beyond its principle of operation. (See MPEP § 2143.02, part VI). For example, the programs and interfaces of Radcliffe, et al. may have to

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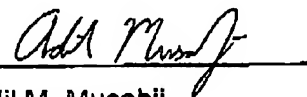
be changed dramatically to access and manipulate road segment data of a database rather than execute finished image layers for providing simulation scenes. Also, the modification to Radcliffe, et al. may render Radcliffe, et al. unsatisfactory without substantial addition of technology. (See MPEP § 2143.01, part V). For example, there is no indication that the flight simulation structure of Radcliffe, et al. is capable of handling road segment data requests and access for providing game scenarios during a computer game operation. Therefore, a modified Radcliffe, et al., as asserted by the Examiner, may not be able to properly use the data of Ashby, et al. in a satisfactory manner for providing flight simulation scenes.

Accordingly, claim 29 is allowable for at least these reasons. Claims 30-32 depend, directly or indirectly, from allowable claim 29 and, therefore, are allowable for at least the same reasons.

#### IV. Summary

It is respectfully asserted that all of the pending claims are patentable over the cited references, and allowance of the pending claims is earnestly solicited. If the Examiner believes that a telephone interview would be helpful in resolving any outstanding issues, the Examiner is respectfully invited to contact the undersigned at the telephone number listed below.

Respectfully submitted,



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